

Nadler Works to End Discrimination in Housing

Thursday, 11 March 2010

WASHINGTON, D.C. - Today, Congressman Jerrold Nadler (D-NY), Chair of the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, chaired a hearing entitled "Protecting the American Dream: A Look into the Fair Housing Act" and announced new legislation to expand fair housing protections. The hearing examined Fair Housing Act education, investigation and enforcement, both past and present, particularly in the context of the current housing crisis. Recent reports and court settlements have illustrated ongoing problems with housing discrimination, particularly for people of color, the LGBT community, and the disability community. In response, Nadler will push for greater enforcement of the law, and has introduced, along with Judiciary Chairman John Conyers, H.R. 4820 in order to amend the Act to additionally prohibit housing discrimination on the basis of sexual orientation and gender identity.

"Housing discrimination remains a persistent problem in our country," said Nadler. "Jim Crow laws and restrictive covenants may no longer be with us, but the discriminatory attitudes and practices they represented remain. Outright discrimination, steering, a refusal to build accessible housing as required by law, and discriminatory lending practices continue to plague renters and prospective homeowners. And, shamefully, discrimination on the basis of sexual orientation and gender identity are perfectly legal in many areas, and people are regularly denied a place to live simply because of that status."

The enactment of the Fair Housing Act of 1968 was primarily a response to the overt housing discrimination that people of color were subjected to and the segregated and disparate neighborhoods in which they lived. Signed into law by President Lyndon Johnson in the immediate aftermath of the assassination of Dr. Martin Luther King, Jr., the Act prohibited discrimination in the sale, rental and financing of housing on the basis of race, color, religion and national origin. In 1974, it was amended to include sex and, in 1988, to include disability and familial status.

Discrimination in housing sales and rentals, which has historically served as the face of Fair Housing Act violations, persists today. Such prohibited conduct includes refusing to rent, sell, or negotiate for housing; making housing unavailable; denying housing; and establishing different sale or rental terms on the basis of race, color, religion, national origin, sex, familial status, or disability. It also includes providing different housing services or facilities; falsely denying the availability of housing; persuading individuals to sell or rent; and denying access or membership in a housing sale or rental service on the basis of race, color, religion, national origin, sex, familial status, or disability.

Today's testimony focused on the findings of recent reports by the National Fair Housing Alliance, the Lawyers Committee for Civil Rights Under Law, the NAACP Legal Defense and Educational Fund, the Leadership Conference Education Fund, and the National Gay and Lesbian Task Force, as well as recent court settlements.

Witnesses at the hearing were: Shanna Smith, President and CEO, National Fair Housing Alliance; Barbara Arnwine, Executive Director, Lawyers Committee for Civil Rights Under Law; Kenneth Marcus, Professor, Baruch College/CUNY School of Public Affairs; John Relman, Director, Relman & Dane; Rea Carey, Executive Director, National Gay and Lesbian Taskforce Action Fund; and, Dean Okianer Christian Dark, Associate Dean for Academic Affairs, Howard University School of Law.

The following is the text of Nadler's opening statement:

"Today, the Subcommittee on the Constitution, Civil Rights and Civil Liberties begins a review of housing discrimination, the Fair Housing Act, and the effectiveness of our government's enforcement of the law.

"Housing discrimination remains a persistent problem in our country. While we would like to think that housing

discrimination is an artifact of the past, we know it is not.

"Jim Crow laws and restrictive covenants may no longer be with us, but the discriminatory attitudes and practices they represented remain.

"Outright discrimination, steering, a refusal to build accessible housing as required by law, and discriminatory lending practices continue to plague renters and prospective homeowners.

"Additionally, there are still people who are subjected to legally sanctioned discrimination in many jurisdictions. Discrimination on the basis of sexual orientation and gender identity are perfectly legal in many areas, and people are regularly denied a place to live simply because of that status.

"Today, I have introduced, along with Chairman Conyers, legislation amending the Fair Housing Act to correct that omission. Many communities around the nation have already done so, and the time has long since passed when the nation followed suit. As the Subcommittee continues its work, we will be looking at other ways to amend our fair housing laws, and to devise other strategies, to ensure that we can most effectively eliminate housing discrimination once and for all.

"We are fortunate to have a distinguished panel of witnesses who will provide an excellent update on where we stand, and recommend further actions to fulfill the promise of the Fair Housing Act.

"Fair Housing has always been a value that has defied partisanship. I look forward to working with my colleagues on both sides of the aisle to further the American values of equality and fairness."